

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHARLES ASHFORD,

Plaintiff,

v.

OHIO DEPARTMENT OF
REHABILITATION AND
CORRECTION, *et al.*,

Defendants.

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Case No. 1:23-cv-83

Judge Jeffery P. Hopkins

ORDER ADOPTING REPORT AND RECOMMENDATION

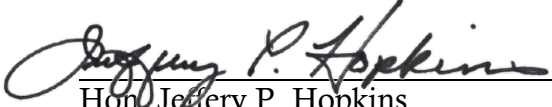
This matter is before the Court on the Report and Recommendation issued by Magistrate Judge Stephanie K. Bowman on April 11, 2023. Doc. 3. On February 23, 2023, the Magistrate Judge issued an order regarding Plaintiff's deficient motion for leave to proceed in forma pauperis that required Plaintiff to pay the full filing fee or submit a revised application within 30 days (Doc. 2) (the "Deficiency Order"). Plaintiff was warned that failure to comply with the Deficiency Order would result in dismissal of his case for want of prosecution. Doc. 2 at PageID 20. When Plaintiff failed to comply with the Deficiency Order, the Magistrate Judge issued the Report and Recommendation that Plaintiff's case be dismissed for lack of prosecution. Noting that no objections have been filed and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** the Report and Recommendation in its entirety.

Accordingly, it is hereby **ORDERED** that the Complaint be **DISMISSED** for lack of prosecution. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this

Order would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

Dated: July 20, 2023


Hon. Jeffrey P. Hopkins
United States District Judge